

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PALANI KARUPAIYAN,

Plaintiff,

v.

CVS HEALTH CORPORATION; AETNA;
ACTIVE HEALTH MANAGEMENT;
KALYANI LAKSHMI BELLAMKONDA;
ROBERT DENNER; APN CONSULTING,
INC.; VEDANT PATHAK; NEELA
PATHAK; PURVI JHALA,

Defendants.

19 Civ. 8814 (KPF)

ORDER OF SERVICE

KATHERINE POLK FAILLA, District Judge:

Plaintiff brings this *pro se* action under Title VII of the Civil Rights Act of 1964 (“Title VII”), the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and other federal and state statutes, alleging that his employer discriminated against him based on his race, national origin, age, and disability, and violated his rights under state and federal law. By Order dated November 18, 2019, the Court granted Plaintiff’s request to proceed *in forma pauperis* (“IFP”).

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, Plaintiff is entitled to rely on the Court and the U.S. Marshals Service to effect service. *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process ... in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to

serve if the plaintiff is authorized to proceed IFP)). Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that the summons and complaint be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and complaint until the Court reviewed the complaint and ordered that a summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued. If the complaint is not served within that time, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service); *see also Murray v. Pataki*, 378 F. App'x 50, 52 (2d Cir. 2010) ("As long as the [plaintiff proceeding IFP] provides the information necessary to identify the defendant, the Marshals' failure to effect service automatically constitutes 'good cause' for an extension of time within the meaning of Rule 4(m).").

To allow Plaintiff to effect service on Defendants CVS Health Corporation, Aetna, ActiveHealth Management, Kalyani Lakshmi Bellamkonda, Robert Denner, APN Consulting, Inc., Vedant Pathak, Neela Pathak, and Purvi Jhala through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon these defendants.

Plaintiff must notify the Court in writing if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to complete the USM-285 forms with the addresses for CVS Health Corporation, Aetna, ActiveHealth Management, Kalyani Lakshmi Bellamkonda, Robert Denner, APN Consulting, Inc., Vedant Pathak, Neela Pathak, and Purvi Jhala and deliver to the U.S. Marshals Service all documents necessary to effect service.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: December 2, 2019
New York, New York



KATHERINE POLK FAILLA
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. CVS Health Corporation
233 Spring Street
New York, NY 10003
2. Aetna
233 Spring Street
New York, NY 10003
3. ActiveHealth Management
233 Spring Street
New York, NY 10003
4. Kalyani Lakshmi Bellamkonda
Aetna
233 Spring Street
New York, NY 10003
5. Robert Denner
Aetna
233 Spring Street
New York, NY 10003
6. APN Consulting, Inc.
Corporate Headquarters
Princeton Park Corporate Center
1100 Cornwall Road, Ste. 205
Monmouth Junction, NJ 08852
7. Vedant Pathak
APN Consulting, Inc.
Princeton Park Corporate Center
1100 Cornwall Road, Ste. 205
Monmouth Junction, NJ 08852
8. Neela Pathak
APN Consulting, Inc.
Princeton Park Corporate Center
1100 Cornwall Road, Ste. 205
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9. Purvi Jhala
APN Consulting, Inc.
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